

# Climate justice unpacked: A review of the 2025 Inter-American Court of Human Rights and International Court of Justice advisory opinions on environment, human rights and state obligations

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## Abstract

*The Advisory Opinion OC-32/25 by the Inter-American Court of Human Rights (IACtHR) in response to a request by the Republic of Colombia and the Republic of Chile delimited the individual and collective obligations of American states in climate emergency matters within the framework of the American Convention of Human Rights. Although this advisory opinion reaffirms the obligation of states under international law to address climate change and redefines the limits of environmental law and social justice, this opinion touches on only a small part of the problem. Additionally, the applicable legal framework – particularly the principles of state responsibility*

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*for breaches of obligations to protect the climate system, as reflected in the International Court of Justice (ICJ) advisory opinion on climate change – merits close attention. Further, these proceedings reveal the interaction between law, science, nature, and society.*

**Keywords:** state responsibility, environmental law, advisory opinion, Inter-American legal system, climate emergency

## Introduction

On 29 May 2025, the Inter-American Court of Human Rights (IACtHR) issued a landmark *Advisory Opinion (OC-32/25)*<sup>1</sup> clarifying the obligations of states under three regional human rights treaties: the American Convention on Human Rights (the American Convention), the American Declaration of the Rights and Duties of Man, and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights (Protocol of San Salvador).

The Republics of Chile and Colombia, which will be subsequently referred to as the requesting States, sought to strengthen climate governance and influence global climate justice by moving the IACtHR to delimit and interpret Articles 1(1), 2, 4(1), 5(1), 8, 11(2), 13, 17(1), 19, 21, 22, 23, 25, and 26 of the American Convention; Articles 1, 2, 3, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 of the Protocol of San Salvador; and Articles I, II, IV, V, VI, VII, VIII, XI, XII, XIII, XIV, XVI, XVIII, XX, XXIII, and XXVII of the American Declaration of the Rights and Duties of Man.

Since American states lack strong domestic and cross-border legislation to hold national governments and enterprises accountable, the IACTHR is pioneering the establishment of a legal framework for climate justice in the hemisphere. Through their request for an advisory opinion, the requesting states aimed to invite the Inter-American Court to expound on its *Advisory Opinion (OC-23/17)*<sup>2</sup> on the *Right to a Healthy*

<sup>1</sup> The climate emergency and human rights (Interpretation and scope of Articles 1(1), 2, 4(1), 5(1), 8, 11(2), 13, 17(1), 19, 21, 22, 23, 25 and 26 of the American Convention on Human Rights, 22 November 1969, OAS No 36; 1, 2, 3, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, 17 November 1988, OAS No 69 (Protocol of San Salvador); and I, II, IV, V, VI, VII, VIII, XI, XII, XIII, XIV, XVI, XVIII, XX, XXIII, and XXVII, of the American Declaration of the Rights and Duties of Man, 2 May 1948, OAS Res XXX), *Advisory Opinion AO-32/25*, Series A No 32, IACtHR (29 May 2025).

<sup>2</sup> The environment and human rights (state obligations in relation to the environment in the context of the protection and guarantee of the rights to life and to personal integrity – interpretation and scope of Articles 4(1) and 5(1) of the American Convention on Human Rights), *Advisory Opinion OC-23/17*, Series A No 23, IACtHR (15 November 2017).

*Environment* which outlines the individual and collective obligations and responsibilities of state parties to the above-mentioned treaties to address the climate crisis.

This request for an advisory opinion pushed for extraterritorial obligations, mandating states to regulate companies and prevent the causation of harm beyond the borders of the requesting States. To this effect, *Advisory Opinion (OC-32/25)* confirms that states are legally bound to tackle climate change by defining how they can be held responsible for ‘climate inaction’.<sup>3</sup>

### **The role of the Inter-American Commission on Human Rights in the Inter-American System**

The Charter of the Organisation of American States (OAS), adopted in 1948, outlines the primary function of the Inter-American Commission of Human Rights as to ‘promote the observance and protection of human rights’.<sup>4</sup> This mandate of ‘protection’ encompasses the authority to receive and adjudicate cases pertaining to human rights. Consequently, all American States parties to the OAS Charter acknowledged the jurisdiction of the Commission and the IACtHR to assess individual complaints regarding alleged human rights violations in their jurisdiction.

Additionally, in instances where some American states that have not ratified the American Convention, both the IACtHR and the Inter-American Commission have the mandate to determine whether there has been a breach of the American Declaration.<sup>5</sup> Further, it is noteworthy that although the American Declaration was not legally binding at the

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<sup>3</sup> *Advisory Opinion AO-32/25*, IACtHR, Section VI, paras 217-629.

<sup>4</sup> Charter of the Organisation of American States, Article 106.

<sup>5</sup> See *Garza v United States*, Case 12.243, Inter-American Commission of Human Rights, Report No.1255, OEA/ser.L/V/II.111, doc. 20 rev. P.60 (2001); Interpretation of the American Declaration of the Rights and Duties of Man within the Framework of Article 64 of the American Convention on Human Rights, *Advisory Opinion OC-10/90*, IACtHR.

time of its adoption, it has since evolved into an instrument providing legal obligations for OAS member states.<sup>6</sup>

By 1967, the American Declaration was the sole human rights instrument in existence whose existence coincided with the amendment of the OAS Charter. Thus, under the authority of Article 29(d) of the American Convention,<sup>7</sup> the Inter-American System empowers the Inter-American Commission to receive and examine petitions alleging violations of the human rights enshrined in the American Declaration against states that are not parties to the American Convention.<sup>8</sup>

Notably, the competence of the Inter-American Commission to address human rights violations persists even where a state has not ratified or where a state has denounced the American Convention<sup>9</sup> (such as the Republic of Trinidad and Tobago). Additionally, the Inter-American Commission's mandate to oversee the observance of human rights persists even when a state is suspended or withdraws from the OAS. The Inter-American System ensures that all treaties ratified by a member state remain valid even if the state decides to withdraw from the OAS, as illustrated by the cases of the Bolivarian Republic of Venezuela and the Republic of Nicaragua.

The International Court of Justice (ICJ) in its advisory opinion of 23 July 2025,<sup>10</sup> determined state obligations under international law<sup>11</sup> and customary international law.<sup>12</sup> The ICJ determined that the Kyoto Protocol and Paris Agreement expanded the general mitigation obligations

<sup>6</sup> See Diego Rodríguez-Pinzón, 'Precautionary measures of the Inter-American Commission on Human Rights: Legal status and importance', 20(2) *Human Rights Brief* (2013) 13.

<sup>7</sup> Restrictions Regarding Interpretation: 'No provision of this Convention shall be interpreted as: (...) d. excluding or limiting the effect that the American Declaration of the Rights and Duties of Man and other international acts of the same nature may have'. American Convention on Human Rights of 1969, Article 29.

<sup>8</sup> *Rules of Procedure of the Inter-American Commission of Human Rights*, Article 51 (1).

<sup>9</sup> American Convention on Human Rights, Article 78.

<sup>10</sup> *Obligations of states in respect of climate change (Advisory Opinion)*, ICJ, General List No 187 (23 July 2025).

<sup>11</sup> *Obligations of states in respect of climate change*, ICJ, paras 174-270.

<sup>12</sup> *Obligations of states in respect of climate change*, ICJ, paras 272-315.

of states contained in the United Nations Framework Convention on Climate Change (UNFCCC), especially those outlined in Article 4. The duty of states to prevent significant harm to the environment,<sup>13</sup> and the duty to cooperate<sup>14</sup> reflect the degree of care expected of each state (for example by providing financial assistance and facilitating technology transfer and capacity building). These principles align with the treaty-based cooperation obligations of good faith and due diligence.

This commentary explores the significant legal transformation of climate justice prompted by these recent advisory opinions. This commentary argues that the IACtHR has redefined state responsibilities by framing climate inaction as a human rights violation and a failure of due diligence. In addition, the ICJ's interpretation that greenhouse gas (GHG) emissions are a form of marine pollution defines GHGs as transboundary harm and establishes a basis for state accountability.

Finally, this analysis delves into the specific climate change implications facing vulnerable states, particularly small island developing states in the Caribbean. This commentary also assesses the legal instruments that provide a framework for pursuing climate justice and analyses the current challenges related to climate justice enforcement and capacity.

## Some key findings of the IACtHR Advisory Opinion

The IACtHR in *Advisory Opinion AO-32/25* builds on the jurisprudence in *Advisory Opinion (OC-23/17)* and classifies state obligations into two groups of rights, 'those whose enjoyment is particularly vulnerable to environmental degradation harmful to the individual, also identified as substantive rights, and the procedural rights whose exercise contrib-

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<sup>13</sup> *Obligations of states in respect of climate change*, ICJ, paras 352-353; United Nations Convention on the Law of the Sea, Article 206.

<sup>14</sup> *Obligations of states in respect of climate change*, ICJ, paras 350-351; United Nations Convention on the Law of the Sea, 10 December 1982, 1833 UNTS 3, Article 197.

utes to sound environmental governance'.<sup>15</sup> Substantive rights cover the right to life, personal integrity, and health, while the second group refers to freedom of expression, access to information, and participation in decision making. These rights may have a greater effect on vulnerable populations,<sup>16</sup> such as indigenous peoples and those living in extreme poverty. Additionally, the IACtHR stated that climate change disrupts the right of human beings to enjoy a dignified existence.<sup>17</sup>

The IACtHR *Advisory Opinion (OC-32/25)* is especially relevant since the IACtHR has enforcement power over the OAS,<sup>18</sup> unlike the ICJ. These proceedings provide a framework that states can use to fulfill their environmental law and climate justice obligations, thereby acting as a backdrop for the implementation of both short-term and regional level policy changes at the regional level.

Under IACtHR jurisprudence, the lack of effective environmental governance and protection efforts can be considered a violation of human rights. This allows individuals and communities to sue states in their domestic jurisdictions for failure to put in place adequate environmental protection measures. The IACtHR stated that environmental degradation and climate change directly threaten substantial and procedural rights under international human rights law, such as the right to life and indigenous peoples' rights.<sup>19</sup>

Additionally, the IACtHR reinforced the right to a healthy environment as a standalone right by stating that '[e]ach Party shall guarantee the right of every person to live in a healthy environment and any other

<sup>15</sup> *Advisory Opinion AO-32/25*, IACtHR, para 26; *Advisory Opinion OC-23/17*, IACtHR, para 64.

<sup>16</sup> *Advisory Opinion OC-23/17*, IACtHR, para 67.

<sup>17</sup> *Advisory Opinion AO-32/25*, IACtHR, para 90.

<sup>18</sup> Adoption of precautionary measures under Article 25 of the *Rules of Procedure of the Inter-American Commission of Human Rights*. See also, Rodríguez-Pinzón, 'Precautionary measures of the Inter-American Commission on Human Rights: Legal status and importance', 13.

<sup>19</sup> San Salvador Protocol, Articles 4 and 5; American Convention on Human Rights, Article 21.

universally recognised human right ...'.<sup>20</sup> The IACtHR also stated that to the right to a clean and healthy environment is rooted in intergenerational human rights and justice.<sup>21</sup>

The IACtHR further determined that we are in a 'triple planetary crisis'<sup>22</sup> of climate change, pollution, and biodiversity loss which threaten the lives and well-being of millions of people. Thus, states should be held accountable for transboundary and cross-border harm caused by their lack of climate policies, this will ensure that states fulfill their extraterritorial and intergenerational responsibilities.

*Advisory Opinion (OC-32/25)* states that due diligence is a general obligation of state parties,<sup>23</sup> in accordance with Article 1(1) of the American Convention, regional human rights law,<sup>24</sup> and the right to a healthy environment. The IACtHR observes that the principle of due diligence is customary law in the Americas. State obligations under due diligence, even in the absence of scientific certainty, require states to adopt effective measures to prevent serious harm to the environment.<sup>25</sup> Failure to comply with their duty to prevent environmental harm creates new risks of serious human rights violations.

Enforcement gaps are expected due to the reliance on the principle of common but differentiated responsibilities. ITLOS reflected that measures must be taken 'individually or jointly as appropriate' within due diligence<sup>26</sup> in accordance with Article 194 of United Nations

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<sup>20</sup> Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and Caribbean, 4 March 2018, C.N.195.2018, Article 4.1.

<sup>21</sup> Maria Antonia Tigre, 'The right to a healthy environment in Latin America and the Caribbean: Compliance through the Inter-American System and the Escazú Agreement', in Christina Voigt and Caroline Foster (eds) *International courts versus non-compliance mechanisms: Comparative advantages in strengthening treaty implementation*, Cambridge University Press, 2024, 262-284.

<sup>22</sup> *Advisory Opinion AO-32/25*, IACtHR, para 42.

<sup>23</sup> *Advisory Opinion AO-32/25*, IACtHR, para 224.

<sup>24</sup> *Advisory Opinion AO-32/25*, IACtHR, paras 269-457.

<sup>25</sup> *Advisory Opinion AO-32/25*, IACtHR, para 229.

<sup>26</sup> See *Responsibilities and obligations of States with respect to activities in the Area*, (AO) ITLOS Reports 2011, 43, para 117; *Climate Change*, (AO) ITLOS Reports 2024, 91, paras 239 and 399; *Obligations of states in respect of climate change*, ICJ, paras 194, 343 and 349.

Convention on the Law of the Sea (UNCLOS).<sup>27</sup> Thus, the discretion of states to regulate within the limits of their capabilities does not exempt states from legal accountability. The IACtHR and the ICJ denote that states are expected to act within their governance capacity, although the limits should not be used as a pretext for delay or inaction. Preventive action under scientific uncertainty requires states to refrain from acting rather than acting in ways that might contribute to environmental harm within their jurisdiction.

The IACtHR detailed that states have the duty to notify and consult with each other in good faith if there is a risk of transboundary harm, therefore, reaffirming the special obligations of states towards the protection of vulnerable states.<sup>28</sup> Similarly, these proceedings reaffirmed the duty to cooperate under international customary law, especially when addressing activities that could cause environmental harm and affect vulnerable populations and coastal or inland territories.

### Private individuals, companies, and the climate emergency

The IACtHR affirmed that ‘companies are called upon to play a fundamental role in addressing the climate emergency’.<sup>29</sup> Failure to meet these duties exposes states to legal claims based on both domestic climate laws and international rulings.

Environmental impact assessments and cooperation are continuous obligations, and states must take preventive measures to reduce environmental risk, even in the absence of scientific certainty. Whether a particular activity poses a risk of significant harm depends on the probability and foreseeability of the occurrence of the said harm. The magnitude of the risk should be determined by assessing the risk.<sup>30</sup>

<sup>27</sup> *Obligations of states in respect of climate change*, ICJ, paras 345 to 349. Citing *Request for an advisory opinion submitted by the Commission of Small Island States on climate change and international law* (AO) ITLOS, para 199, paras 206-207, and para 241.

<sup>28</sup> United Nations Convention on the Law of the Sea, Article 194(2).

<sup>29</sup> *Advisory Opinion AO-32/25*, IACtHR, para 345.

<sup>30</sup> *Obligations of states in respect of climate change*, ICJ, para 298: ‘the cumulative and diffuse nature of GHG emissions may involve some difficulty in risk assessment, (...) all

For instance, the bioaccumulation effect of heavy metals due to different acts undertaken by states and private individuals in their jurisdiction, such as releasing unprocessed wastewater and agricultural by-products, which have negative consequences on the environment such as the destruction of fisheries, is significantly harmful.

The IACtHR compels states to ensure that private individuals comply with climate responsibilities within their obligations under international law. States are obliged to regulate, supervise, and monitor private individuals that 'entail risks for the human rights recognised in the American Convention'.<sup>31</sup> The IACtHR states that the American states must act with 'enhanced due diligence' to comply with their obligations and responsibilities in the context of climate change.<sup>32</sup> Thus, it is necessary to assess and monitor all risks, adopt preventive measures, and integrate science with the human rights perspective for effective policies. Further, states can be held responsible for failing to regulate private individuals.

### Some key findings of the ICJ's Advisory Opinion

The 2025 ICJ advisory opinion identified the principles under the UNCLOS which is one of the most relevant instruments in the climate justice system. Similarly, the International Tribunal for the Law of the Sea (ITLOS) relied on the UNCLOS principles in its advisory opinion<sup>33</sup> that addressed climate governance.<sup>34</sup> Articles 192 and 194 of UNCLOS outline the duty of states to take all necessary measures to protect and

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States provide for and conduct EIAs with respect to particularly significant proposed individual activities contributing to GHG emissions to be undertaken within their jurisdiction or control'. Citing *Pulp Mills on the River Uruguay (Argentina v Uruguay)*, ICJ Reports 2010, para 205.

<sup>31</sup> *Advisory Opinion AO-32/25*, IACtHR, para 230.

<sup>32</sup> *Advisory Opinion AO-32/25*, IACtHR, para 236.

<sup>33</sup> *Request for an advisory opinion submitted by the Commission of Small Island States on climate change and international law (Advisory Opinion)* ITLOS No 31 (21 May 2024).

<sup>34</sup> *Obligations of states in respect of climate change*, ICJ, paras 336-440.

preserve the marine environment, including preventing, reducing, and controlling marine pollution.

One of the key findings of the ICJ in its advisory opinion was that that climate justice provisions are not *lex specialis* and do not ‘override’ general international law.<sup>35</sup> This interpretation holds significant weight in resolving ambiguities in international law principles. For instance, principle of state responsibility relied on in the advisory opinions overrides the state sovereignty principle since the state responsibility principle requires the use of collaborative actions to mitigate emissions and reduce transboundary harm.

The ICJ described the climate crisis as an ‘urgent and existential threat’,<sup>36</sup> where inaction (or lack thereof) of relevant measures is in breach of state obligations, constituting an internationally wrongful act.<sup>37</sup> In line with this, the ICJ in its 2025 advisory opinion provides an authoritative interpretation of the extent to which states can be held accountable for transboundary climate harm by classifying GHG emissions as a form of marine pollution.<sup>38</sup> Further, the ICJ affirmed obligations on GHG-emitting states to take specific measures to comply with the provisions of UNCLOS, the Paris Agreement, and international customary law. This is a step forward for climate justice especially for the most vulnerable states, particularly the small island developing states.

The ICJ through its 2025 advisory opinion seeks to influence climate litigation by linking climate justice inaction to transboundary harm. The ICJ found that the effects of climate change ‘significantly impair’ the fulfillment of human rights.<sup>39</sup> Further, the ICJ stated that the duty to prevent significant harm to the environment<sup>40</sup> and cooperate for environmental protection<sup>41</sup> aligns with international human rights

<sup>35</sup> *Obligations of states in respect of climate change*, ICJ, paras 162-171.

<sup>36</sup> *Obligations of states in respect of climate change*, ICJ, para 73.

<sup>37</sup> *Obligations of states in respect of climate change*, ICJ, para 207.

<sup>38</sup> *Obligations of states in respect of climate change*, ICJ, paras 339-368.

<sup>39</sup> *Obligations of states in respect of climate change*, ICJ, paras 376-382.

<sup>40</sup> *Obligations of states in respect of climate change*, ICJ, paras 132-139.

<sup>41</sup> *Obligations of states in respect of climate change*, ICJ, paras 140-142.

law, including the right to life, food, health, and a clean environment. The ICJ took into consideration the principle of *common but differentiated responsibilities (CBDR)*<sup>42</sup> of states as well as international customary law obligations which are applicable to all states, regardless of the extent to which states have ratified climate treaties.<sup>43</sup>

Under the *Pulp Mills on the Uruguay River (2011)*<sup>44</sup> and *Costa Rica v Nicaragua (2015)*<sup>45</sup> cases, the ICJ clarified that sovereign rights do not allow states to avoid their due diligence obligations to ensure that all activities within their jurisdiction do not cause significant harm to shared natural resources and other states.<sup>46</sup> Due diligence is a standard conduct, and climate inaction is a breach of due diligence. The duty to prevent significant harm to the environment is not passive, therefore, due diligence requires the putting in place of active measures to avoid transboundary impacts. In defining GHG emissions as marine pollution, the ICJ lays the legal basis for the argument that states are required to adopt all necessary measures to mitigate their climate change effects.

#### *Vulnerability of small island states and the climate emergency*

With respect to small island states, the ICJ affirmed that ‘once a state is established, the disappearance of one of its constituent elements would not necessarily entail the loss of its statehood.’<sup>47</sup> Although the ICJ did not elaborate further, loss of territory due to rising sea-levels would not discontinue the legal status of small island and developing states. In the American system, Caribbean small island and developing states face an unparalleled risk of climate change, with nearly 22 million peo-

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<sup>42</sup> United Nations, United Nations Framework Convention on Climate Change (UNFCCC), 9 May 1992, 1771 UNTS 107, Article 2(1).

<sup>43</sup> *Obligations of states in respect of climate change*, ICJ, para 315.

<sup>44</sup> *Pulp Mills on the River Uruguay (Argentina v Uruguay)* (merits) ICJ Reports 2010, para 205. Similarly, in paragraph 197, the ICJ defined environmental obligations as due diligence obligations.

<sup>45</sup> *Certain activities carried out by Nicaragua in the border area (Costa Rica v Nicaragua)* (merits) and *Construction of a road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)* (merits) ICJ Reports 2015, para 104.

<sup>46</sup> *Obligations of states in respect of climate change*, ICJ, paras 297 to 299.

<sup>47</sup> *Advisory Opinion AO-32/25*, IACTHR, para 363.

ple living below six meters above sea level.<sup>48</sup> The intensity of extreme weather events has already displaced thousands of people and caused billions of dollars in losses in the region.

Caribbean small island and developing states are highly vulnerable to transboundary harm, and despite enforcement gaps persisting due to limited capacity, the IACtHR places greater responsibility on developed American States, but encourages developing states and Caribbean small island and developing states to take all feasible measures<sup>49</sup> through regional cooperation and enforcing climate policies.<sup>50</sup>

Enhanced due diligence requires American States to assess and mitigate environment related risks. While the common but differentiated responsibilities principle acknowledges disparities in states' contributions to climate change, it does not absolve Caribbean small island and developing states of their duty to act<sup>51</sup> within their governance capabilities to safeguard vulnerable populations. By upholding their responsibility, Caribbean small island and developing states<sup>52</sup> have assumed global leadership by addressing the issue of loss and damage and requesting climate justice through dedicated funding mechanisms to compensate for their irreversible losses.<sup>53</sup> The IACtHR Advisory Opinion provides legal leverage for vulnerable states to demand climate justice and protect their people.

<sup>48</sup> Adrian Cashman and Mohammad Nagdee, 'Impacts of climate change on settlements and infrastructure in the coastal and marine environments of Caribbean small island developing states (SIDS)', *Caribbean Marine Climate Change Report Card: Science Review* (2017) 155-173.

<sup>49</sup> *Advisory Opinion AO-32/25*, IACtHR, paras 258 to 265.

<sup>50</sup> Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, 1983; OAS, 'Inter-American Climate Change Action Plan 2023-2030,' OAS/Ser.K/XLIII.4, 4 October 2023; CARICOM, Declaration for Climate Action, CARICOM, 2015. Amended on 26/07/2024.

<sup>51</sup> *Advisory Opinion AO-32/25*, IACtHR, paras 258-265.

<sup>52</sup> Ali Serim, 'The vital role of small island developing states (SIDS) at COP29', Ministry of Foreign Affairs of the Commonwealth of the Bahamas, 10 November 2024.

<sup>53</sup> Barbados' Bridgetown Initiative.

## Conclusion

The *IACtHR Advisory Opinion (OC-32/25)* and the ICJ's advisory opinion of July 2025 mark a transformative shift in climate justice by determining state obligations and explicitly linking climate inaction as a human rights violation under the American legal system. The IACtHR rulings reinforce the extraterritorial responsibilities of states to regulate private individuals and prevent transboundary harm under both treaties and international customary law.

The enforcement mechanism of the IACtHR provides a greater compliance framework than the ICJ's guidance, enabling domestic law and regional litigation for climate justice. These proceedings build upon and reinforce legal principles with a triad of authoritative interpretations on climate responsibility, therefore, strengthening the legal basis for regional accountability.

For Caribbean small island and developing states, these rulings are pivotal as they validate claims of reparations for loss, reinforce special protections for vulnerable populations, extend statehood and open a potential legal basis for 'climate refugees'. However, enforcement gaps remain due to asymmetrical capacities, thereby necessitating regional cooperation and financial and technical support from developed states. Ultimately, the IACtHR empowers individuals and vulnerable groups to demand climate justice through legal channels, compelling states and private business to align with human rights-based climate governance, and, providing the region with unprecedented legal tools to safeguard its people and ecosystems in an era of climate emergency.